

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF MISSOURI**

In Re:)	Case No. 20-43555-169
)	Chapter 11
Ben F. Blanton Construction, Inc.)	
)	Hearing Date: July 22, 2020
Debtor.)	Hearing Time: 2:00 p.m.
)	Hearing Location: Courtroom 7 South
)	
)	Re: Doc. No. 29

**INTERIM ORDER ON DEBTOR'S EMERGENCY MOTION FOR ORDER
DETERMINING ADEQUATE ASSURANCE FOR PAYMENT OF
POSTPETITION UTILITY SERVICES**

Upon the Motion of Ben F. Blanton Construction, Inc., debtor and debtor-in-possession in the above-captioned case (the "Debtor") captioned as the Debtor's Emergency Motion for Order Determining Adequate Assurance of Payment for Payment of Postpetition Utility Services (the "Motion") [Dkt. 29]; the Court having considered the Motion, the Declaration of Jeff Blanton, President of Ben F. Blanton Construction, Inc. in Support of Chapter 1 Petition and First Day Motions [Dkt. 19] (the "Blanton Declaration"); upon the record of the hearing on this matter and the proceedings had before the Court; for good cause shown, it appearing that certain interim relief is in the best interest of the estate pending final hearing on this matter; it is hereby

1. ORDERED that the Motion is granted in part on an interim basis as set out herein. All other relief requested in the Motion is denied.

2. Debtor's proposal to its utility companies to pay future utility bills in a timely manner as they come due as contained in the Motion constitutes adequate assurance of payment pursuant to 11 U.S.C. § 366(b) during the interim period covered by this Order, subject to modification by subsequent order after the Final Hearing (as defined below) on the Motion.

3. Until the Final Hearing (as defined below), Debtor shall timely pay for all post-petition utility services pursuant to the terms of the invoices and billing statements generated by the City of St. Peters (water/sewer), AmerenUE (electric), Spire (gas), AT&T Mobility (mobile phone service), GFI Digital (data/cloud), 8x8 (office phone service), Century Link (internet), and Water Logic (water) (collectively, the “Utility Providers”) in the ordinary course of business.

4. Until the Final Hearing (as defined below), the Utility Providers are prohibited from unilaterally altering, refusing, or discontinuing utility services to Debtor so long as Debtor complies with the procedure set forth herein.

5. Nothing in this Order shall prejudice any Utility Provider’s right to file a motion with the Court seeking a modification of the adequate assurance of future payment provided by Debtor pursuant to this Order. Nothing in this Order shall prejudice the Debtor’s right to offer other or further adequate assurance to any or all of the Utility Providers.

6. A final hearing (the “Final Hearing”) to consider the relief requested in the Motion shall be held on August 12, 2020 at 10:00 a.m. (prevailing Central Time), in the United States Bankruptcy Court, Eastern District of Missouri, United States Courthouse, Thomas F. Eagleton Federal Building, 7th Floor, South Courtroom, 111 S. 10th Street, St. Louis, Missouri, 63102. Any objections or responses to entry of a final order on the Motion (the “Final Order”) shall be filed on or before 11:59 p.m. (prevailing Central Time), on August 10, 2020, and shall be served on: (a) proposed counsel to the Debtor, Lathrop GPM, LLP, 7701 Forsyth, Suite 500, Clayton, MO 63105 Attention: Wendi Alper-Pressman; (b) the Office of the U.S. Trustee; (c) counsel to the DIP Lender; Marshall Turner, Husch Blackwell LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105; (d) the Internal Revenue Service; (e) the Subchapter V Trustee, Seth Albin, 7710 Carondelet, Suite 405, Clayton, MO 63105 and (f) the holders of the 20 largest

unsecured claims against the Debtor (collectively, the “Notice Parties”). In the event no objections to entry of a final order on the Motion are timely received, this Court may enter such final order without need for the Final Hearing.

(h) Not later than two (2) business days after the entry of this Order, the Debtor shall serve a copy of this Order on the Notice Parties and the utility providers and shall file a certificate of service no later than twenty-four (24) hours after service.

DATED: July 27, 2020
St. Louis, Missouri
mtc



BONNIE L. CLAIR
United States Bankruptcy Judge

Order Prepared By:

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